

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-44 are pending in the application, with claims 1, 21, and 34-36 being the independent claims. Claims 1, 3-10, 19, 25, 34, 35, and 39 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Entry of the above amendments after final is respectfully requested. The above amendments would not require an additional search, and serve to better place the claims in condition for appeal.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-19, 21-32, 34, and 35

The Examiner has rejected claims 1-19, 21-32, 34, and 35 under 35 U.S.C. § 103(a) as allegedly being obvious over WIPO Publication No. WO 01/77783 A2 to Russell *et al.* (“Russell”), in view of U.S. Patent No. 6,892,306 to En-Seung *et al.* (“En-Seung”), and further in view of U.S. Patent Application Publication No. 2002/0016922 to Richards *et al.* (“Richards”). Applicants respectfully traverse.

As noted in the previous Reply filed on February 10, 2009, the combination of Russell, En-Seung, and Richards does not teach or suggest at least “retrieving at the first server machine a user key permitting access to an encrypted ***sub-header*** of the secured

item ... the encrypted sub-header including access rules for the secured item, ***the sub-header corresponding to the user or to a group to which the user belongs,***” as recited in claim 1.

Russell and Richards do not teach or suggest the above-referenced “sub-header” feature, nor does the Examiner rely on Russell and Richards in formulating the rejection. Instead, the Examiner turns to En-Seung as allegedly providing the missing teaching or suggestion. En-Seung discloses an encrypted header portion which is accessible to a user with a temporary validation key. (En-Seung, FIG. 12; col. 3, ll. 25-32). The Examiner notes that he is “interpreting the encrypted header part as a encrypted sub-header” and further that “the encrypted part of the header is interpreted as corresponding to the user because only the user with correct user’s key have key to decrypt the sub-header.” (Office Action, pp. 2-3 and 5-6).

If the Examiner’s interpretation stands, then there would be no difference between a reading of “a user key permitting access to an encrypted sub-header” and “the sub-header ***corresponding to*** the user or to a group to which the user belongs.” En-Seung only provides a temporary validation key by which an encrypted header portion may be accessed regardless of the user or group to which the user belongs. That only a user permitted to access the encrypted header portion of En-Seung would receive the temporary validation key in the first place does not mean that any sub-header corresponds to the user. It is important that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). If “a user key permitting access to an encrypted sub-header” and “the sub-header corresponding to the user or to a group to

which the user belongs,” as recited in claim 1, are given the same meaning, then the words have not been properly considered in judging the patentability of the claim against the prior art.

Moreover, the Examiner’s interpretation of “corresponding to” in this instance is inconsistent with the specification as well as the plain meaning of the term. (see, e.g., As-Filed Specification at [0068]). Mere access to an encrypted header, as in En-Seung, does not imply that the header corresponds to the user.

Independent claims 21, 34, and 35 recite similar features as claim 1, using respective language, and are also not rendered obvious by the combination of Russell, En-Seung, and Richards for similar reasons as discussed above with regard to claim 1. Dependent claims 2-19 and 22-32 are also not rendered obvious by the combination of Russell, En-Seung, and Richards for at least the same reasons as claims 1 and 21, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1-19, 21-32, 34, and 35 under 35 U.S.C. § 103(a).

Claims 20 and 33

The Examiner has rejected claims 20 and 33 under 35 U.S.C. § 103(a) as allegedly being obvious over Russell in view of En-Seung, Richards, and U.S. Patent Application Publication No. 2003/0050919 to Brown et al. (“Brown”). Applicants respectfully traverse.

As noted above, the combination of Russell, En-Seung, and Richards does not teach or suggest each and every feature of claims 1 and 21. Brown does not supply the

missing teaching or suggestion, and therefore the combination of Russell, En-Seung, Richards, and Brown does not teach or suggest each and every feature of claims 1 and 21 and accordingly does not render claims 1 and 21 obvious. Claims 20 and 33 are therefore also not rendered obvious by the combination of Russell, En-Seung, Richards, and Brown for at least the same reasons as claims 1 and 21, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 20 and 33 under 35 U.S.C. § 103(a).

Claims 36-44

The Examiner has rejected claims 36-44 under 35 U.S.C. § 103(a) as being allegedly obvious over Russell in view of Richards. Applicants respectfully traverse.

As noted above, the combination of Russell and Richards (further in view of En-Seung) does not teach or suggest each and every feature of claim 1. Claim 36 similarly recites, *inter alia*, “based on information stored in an encrypted sub-header of a secure item, ***the sub-header corresponding to the given requestor or to a group to which the requestor belongs***, a given requestor, permitted to access the secure item through one or more of said local servers, is only able to access the secure item using only a single one of said local servers or the central server such that the given requestor is only permitted to access the secure item through at most one of said local servers at a time,” and is therefore not rendered obvious by the combination of Russell and Richards for similar reasons as claim 1. Claims 37-44 are also not rendered obvious by the combination of

Russell and Richards for at least the same reasons as claim 36, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 36-44 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Reply to Office Action of May 13, 2009

VAINSTEIN *et al.*
Appl. No. 10/075,194

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Glenn Perry", is written over the printed name.

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